UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,801	08/20/2003	Joseph S. Stam	AUTO 222	9297

28167   7590   12/20/2006

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EXAMINER
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ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

PTOL-90A (Rev. 10/06)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>28 November 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): <u>112 second paragraph</u> .

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: *21-23,29-34 and 41*.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-20,24-28,35-40,42-53,64-74*.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.
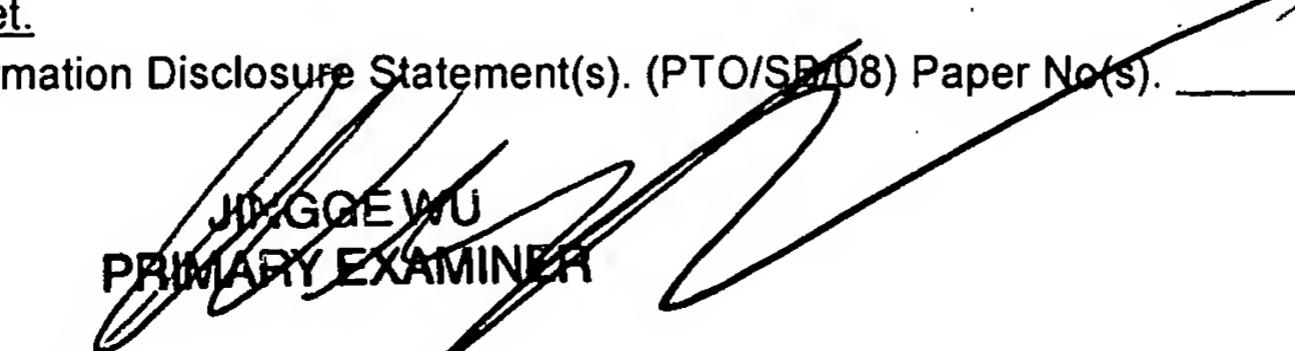
JUNGGE WU
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

With regards to claim 41, applicants argue (page 14) that the features of claim 41 are explicitly depicted and described in "excruciating detail" in figures 14-17 and paragraphs 119-127. However, the examiner was unable to find an instance in the entire description of the specification, let alone paragraphs 119-127, that describes the "TAILLAMP OVERTAKE" and "RAIN condition clear" conditions recited in claim 41. In addition, figures 14-17 merely illustrate a flow chart and transition charts for the light control. These figures fail to describe in any detail, the conditions listed above and recited in claim 41.

The applicants further contend that because claim 41 is an originally presented claim, applicants may rely upon the content as forming a part of the original specification. The examiner would like to point out that claim 41 was not objected to because the claimed features were not part of the original specification. Instead, claim 41 was objected to because the claimed features were not clearly supported by the description of the specification. Applicants appear to have mistaken the objection under 37 CFR 1.75 as a 112 first paragraph rejection. In order to overcome the objection under 37 CFR 1.75 the applicant is suggested to amend the description of the specification so that it supports the claimed features.

Applicants also argue (page 14) that "the concept of having 'at least one output of said neural network comprises at least three states' is described in excruciating detail specifically with regard to Figs. 14-17 in paragraphs 119-127." The examiner disagrees. According to the applicant's specification, it appears that the exterior light control comprises three transition states, not the output of the neural network, as applicants contend. Nowhere does the applicant's specification provide support for the output of the neural network comprising at least three states.

Finally, applicants argue (page 15) that the Gorman article "does not even purport to teach the fundamentals of neural networks or probability functions, let alone, how one of ordinary skill in the art would implement either for the purpose of automatic vehicle exterior light control." In response, the examiner would like to point out that the Gorman article was relied on to teach neural networks, not probability functions. Also, contrary to what applicants contend, the Gorman article clearly teaches the fundamentals of neural networks on pages 1135-1136 and illustrates the neural network in figure 2. Gorman explains that the neural network is used for "signal classification problems" (Gorman, page 1135, top of right column). Moreover, Breed incorporates the Gorman article by reference and explains that the neural network taught by Gorman could be used for trainable pattern recognition in automatic vehicle exterior light control systems (Breed, col. 5, lines 9-34). Thus, Breed teaches a neural network for the purpose of automatic vehicle exterior light control, as claimed.